ORIGINAL

Laura Ann Gens
4141 Old Trace Road
Palo Alto, CA 94306
Telephone: (650) 949-4880
Facsimile: (650) 949-4889

In Pro Per

FILED
JAN 25 2013
United States Bankruptcy Court
San Jose, California

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

LAURA ANN GENS,

DEBTOR,

CASE NO. 13-50106 ASW

Date of Hearing: TBD.

Time of Hearing: TBD

Courtroom of Judge Weissbrodt

DECLARATION OF LAURA GENS IN SUPPORT OF DEBTOR'S EX PARTE APPLICATION AND MEMORANDUM FOR A TEMPORARY RESTARINIGN ORDER UNDER FRBP 4001 AND 7065 AS TO CREDITOR WELLS FARGO

I, Laura Gens, do hereby state:

1. I received by mail an unsolicited notice attached as Exhibit A to the accompanying notice and memorandum listing the sale of my residence at 4141 Old Trace Road Palo Alto CA (the "CA Property") by the Trustee Cal Western for Wells Fargo on January 30, 2013.

2. I filed a voluntary petition for bankruptcy as an individual chapter 11 in case no. 10-55305RN in May 2010. When I was forced to file case no. 12-56055 in August 2012, I did so as a sole proprietorship. I voluntarily dismissed that petition at the beginning of October 2012. Later, faced with an impending trustee's sale by Wells Fargo, I filed this case, my second sole proprietorship bankruptcy filing.

3. I tendered the entire amount of the loan on the CA Property along with a written

demand for an accounting by Certified Mail prior to the filing of any Notice of Trustee's Sale. Debtor obtaining financing from not one, but two qualified lenders: The O'Donnell Financial Group and The Whalen Family Trust. Attached as Exhibit B is the first page and summary of the certified appraisal performed by the O'Donnell Group. The written demand called for an accounting and the date of that demand was prior to any trustee's sale notice on the CA Property as required by California Civil Code §2943(b)(1) et al. Creditor never complied with the demand.

I declare under penalty of perjury under the law of the State of California that the foregoing is true and correct.

January 25, 2013

Laura Gens

Laura Gens

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